United Nations A/AC.109/2010/SR.5

General Assembly

Distr.: General
9 July 2010

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 5th meeting
Held at Headquarters, New York, on Monday, 21 June 2010, at 10 a.m.

Chairman: Mr. St. Aimée ..... (Saint Lucia)

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The meeting was called to order at 10.25 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Special Committee decision of 9 June 2008 concerning Puerto Rico (A/AC.109/2010/L.4 and L.8)

2. **The Chairman** informed the Committee that the delegation of Egypt wished to participate as an observer in the consideration of the item in its capacity as Chair of the Non-Aligned Movement and to make a statement in that regard.

3. *There being no objection, it was so decided.*

Draft resolution A/AC.109/2010/L.8

4. **Mr. Núñez** (Cuba), introducing draft resolution A/AC.109/2010/L.8, noted that the current year was the fiftieth anniversary of the adoption of General Assembly resolution 1514 (XV). The draft resolution called once again on the Government of the United States to allow the Puerto Rican people to exercise its inalienable right to self-determination and to complete the return of all lands occupied in the past and the facilities in Vieques and Ceiba to the Puerto Rican people.

Hearing of petitioners (aide-memoire 11/10 and Add.1)

5. **The Chairman** drew attention to the further requests for hearing contained in the addendum to aide-memoire 11/10. He took it that the Special Committee wished to accede to those requests.

6. *It was so decided.*

7. **The Chairman** said that, in line with the Special Committee's usual practice, petitioners would be invited to address the Special Committee and would withdraw after making their statements.

8. **Mr. Hernández González** (Colegio de Abogados de Puerto Rico) said that the results of plebiscites held in Puerto Rico had been ignored by the United States.

9. The United States had persecuted Puerto Rican independence activists in a variety of ways. People in custody had died, there had been attacks on journalists and cases had been fabricated against people because of their political affiliation. Recently even supporters of the status quo, including two former governors, had stated that they had been victimized. The Government of the United States acted with impunity in Puerto Rico, conducting reprisals against those who had denounced the colonial situation. The President of the United States did not intervene.

10. Puerto Rico could not enter into international or bilateral agreements which would ease the effects of the economic crisis. Over 20,000 public employees had been laid off and over 100,000 jobs had been lost in the private sector. Puerto Rico was required to maintain the United States Navy, the most expensive in the world, in its ports. Capital punishment was prohibited by the Constitution of Puerto Rico, but the United States attempted to impose it nonetheless.

11. Even those who defended the status quo admitted that the current situation was illegal and must urgently be brought into line with international law. The United States must stop impeding efforts by the Puerto Rican people to exercise their right to self-determination. It was important to acknowledge the right to convene the constitutional assembly.

12. **Mr. Rivera Reyes** (PROELA) noted that, while the Second International Decade for the Eradication of Colonialism was coming to a close, objectives had not been met. Unilateral acts by the Government of the United States of America over the 57 years since the adoption of General Assembly resolution 748 (VIII) showed that it had ignored its international obligations. Over the decades, the administering Power had established various bodies to make it appear that action was being taken. However, there had been no results.

13. There were plans for a United States Government report on the situation between the United States and Puerto Rico, but President Obama had yet to make a firm commitment to respect and further the right of Puerto Rico to self-determination.

14. Puerto Ricans who had spoken out and defended the dignity of their people had been persecuted by the federal security and intelligence agencies. The federal authorities had attempted to impose capital punishment in Puerto Rico despite rejection of the measure by the local population.

15. Involvement by the United States in local affairs included the unilateral setting of prices for locally produced milk, the issuance of an executive report stating that Puerto Rico could be unilaterally ceded to

any other international power and steps to intervene and directly influence domestic elections.

16. Recognition of a constitutional status assembly should be accorded. As authorized by Article 96 of the Charter of the United Nations, the Special Committee should request an advisory opinion from the International Court of Justice on the case of Puerto Rico.

17. **Mr. Rivera** (Puertorriqueños Unidos En Acción) noted that 2010 marked the fiftieth anniversary of the adoption of General Assembly resolution 1514 (XV). Over those 50 years, 14 States which were currently members of the Special Committee had achieved their independence. However, despite the fact that the Second International Decade for the Eradication of Colonialism was drawing to an end, Puerto Rico, the oldest colony in the world, had yet to obtain its independence. The only realistic way to find a solution for Puerto Rico was to raise the issue in the plenary of the General Assembly. Solutions proposed by the federal authority were merely obstacles which served to hamper the deliberations of the Special Committee and confuse international public opinion.

18. A bill on the holding of a plebiscite which had been approved by the House of Representatives of the United States did not commit the Government of the United States to respect the outcome of the plebiscite, and it also required inclusion of current status as one option for resolving the colonial problem. Such manipulations by the Government of the United States forced the colony to submit to colonialism by consent. The President's Task Force on Puerto Rico had claimed that it wished to hear the opinions of the people of Puerto Rico, but it had not heard the claims of civil society, holding hearings at which participants' statements had been limited to three minutes. The situation of Puerto Rico should be discussed not in Puerto Rico and not in the executive branch of the United States Government, but at the United Nations, in the Special Committee.

19. An exercise in self-determination and decolonization must guarantee a constituent assembly as a mechanism for deciding the political future, with broad participation, including that of the diaspora, through election of delegates. It must also guarantee the release of political prisoners.

20. **Mr. López** (Alianza pro Libre Asociación Soberana) said that free association was a dynamic mechanism for managing the transition from colony to sovereign nation without violent revolution or political chaos. Free association was rapidly gaining in popularity among Puerto Ricans.

21. While it was hoped that President Obama would address the Puerto Rican issue during his first term, changes to a bill in the House of Representatives had caused disappointment among Puerto Ricans. Originally the bill had contained three decolonization options, but it had been amended to include colonial commonwealth status as a fourth one.

22. The lack of activity in the United Nations was regrettable, as it prevented the issue of Puerto Rico from being brought before the General Assembly. In violation of the Constitution of Puerto Rico, which prohibited the death penalty, the Government of the United States continued to seek the death penalty when bringing defendants to trial in United States district courts in Puerto Rico.

23. An official report produced under President George W. Bush made it very clear to Puerto Ricans that the Government of the United States did not recognize any Puerto Rican sovereignty, defining Puerto Rico as an unincorporated territory subject to the plenary powers of the Congress of the United States.

24. The Committee should recognize Puerto Rico as a country which had not exercised the right to self-determination and should recognize the right of Puerto Rico to choose among the three alternatives for self-government listed in the annex to General Assembly resolution 1541 (XV). Because the issue of Puerto Rico had not been included on the agenda of the General Assembly plenary, Puerto Ricans felt abandoned by the international community. The deliberations in the Special Committee had lost moral force among large sectors of the population of Puerto Rico, owing to inaction on the issue. Because of the lack of a sense of urgency, Special Committee members were abetting the perpetuation of colony status. A clear deadline must be set for the initiation of the decolonization process for Puerto Rico.

25. **Ms. Rexach** (National Advancement for Puerto Rican Culture) noted that United States citizenship had been granted to all Puerto Ricans in 1917 under the Jones Act. However, despite the fact that Puerto Ricans had fought and died for the United States in many wars, they did not have the same rights as other

citizens. They could not vote to elect the President, members of the Senate or House of Representatives. The overwhelming majority of Puerto Ricans wanted Puerto Rico to become the fifty-first State and did not want to lose their United States citizenship. There had been dishonesty on the part of the previous governor of Puerto Rico and recent election fraud, which had not helped matters.

26. **Mr. Adames** (Puerto Rican Cultural and Literary Organization) said that Puerto Rico was the fifty-first state of the United States and had suffered tremendous discrimination for over a century. Since the adoption of the Jones Act, Puerto Rico had been waiting in line for statehood. However, Hawaii and Alaska had attained that status ahead of Puerto Rico, although Puerto Rico had been waiting longer. Since 1948, Puerto Rico had had the right to elect its own governor, bringing its status closer to that of statehood. It had been sending soldiers to fight in American wars since the Second World War.

27. The call to resolve the colonial issue of Puerto Rico had been used by certain countries, particularly Cuba, to create a distraction within the United Nations.

28. **The Chairman** said that the topic under discussion was Puerto Rico. Mention of any other country, especially a member of the Committee, was not acceptable.

29. **Mr. Núñez** (Cuba), speaking on a point of order, said that while he respected the anti-independence sentiments of the speaker, he requested the Chairman to remind the speaker of the subject under discussion. Interventions in the Committee should not serve as ploys for attacking particular countries.

30. **Mr. Adames** (Puerto Rican Cultural and Literary Organization) said that it was time to stop the game of distraction and demand that Puerto Rico become the fifty-first state with all the relevant rights and federal protections.

31. Furthermore, the Committee should include on its agenda the cases of other countries where millions of people lived without freedom.

32. **Mr. Martín** (Partido Independentista Puertorriqueño) said that it was significant that the petitioners included the Chair of the Socialist International Committee for Latin America and the Caribbean and a representative of the Permanent Conference of Political Parties of Latin America and the Caribbean. Their presence showed the importance of the cause of decolonization and Puerto Rican independence to Latin America and the Caribbean. The cause of freedom for Puerto Rico constituted a just historical demand and a belief in a future of greater regional integration.

33. The adoption of the resolution before the Special Committee must remind and warn the Government of the United States of America that Bill 2499, recently adopted by the House of Representatives, was a farce because one of the self-determination options it offered was continued colonialism, as though that were on an equal footing with the decolonization options recognized in international law.

34. Acceptance by the Government of the United States of Puerto Rico's territorial and colonial subordination to Congress was not enough. International pressure must lead to a United States commitment to decolonize Puerto Rico.

35. The Puerto Rican Independence Party was totally against any referendum that offered the choice of continued colonialism. It had proposed first a call for decolonization, to be followed by a Constitutional Assembly on Status, where all alternatives had to meet the requirements for decolonization established in resolution 1514 (XV) and relevant international law.

36. It was time for the General Assembly finally to consider the case of colonialism in Puerto Rico, leaving behind the distortions and aberrations of twentieth century imperialism.

37. **Mr. Pesquera Sevillano** (Movimiento Independentista Nacional Hostosiano) said that before it had been invaded by the United States, Puerto Rico had been a productive, hard-working and supportive society, on the verge of gaining its independence. Imperialism and expansionism quickly and progressively had destroyed the economy, making it dependent on goods from the mainland. Puerto Ricans held less than half the jobs in the economy, official unemployment was 17 per cent, 48 per cent of the population was dependent on welfare and 67 per cent lived below the poverty line.

38. Agriculture, which had flourished at the time of the invasion, had collapsed as the country had gone from self-sufficiency to dependence, importing 85 per cent of what it consumed from the United

States. Small business in all sectors had been driven out by the competition of large United States chains.

39. During the occupation and militarization of the island, United States armed forces had polluted thousands of acres with Agent Orange and other chemicals used in military experiments.

40. The collapse of the colonial economy had led successive Governments to survive by increasing the debt. From US $2.7 billion in 1972, it had risen to more than US $60 billion. The invader had caused enormous social, economic and ecologic harm but it was Puerto Ricans who owed the mainland billions of dollars. The country remained poor and dependent, leading to the exodus of half of its population.

41. Solving Puerto Rico's colonial problem was not simply a question of dignity and principles but an urgent need if it was to overcome the serious economic, social and political problems that had caused the crisis in the island. The United States Government must face up to its historic responsibility, stop harming the ecology, economy and inhabitants and prepare to compensate the country for more than 112 years of colonialism and exploitation.

42. Under international law, which was the only foundation for consideration by the United Nations of the case of Puerto Rico, the United States must acknowledge that the eight million Puerto Ricans had the right to self-determination. Exercising their sovereignty, Puerto Ricans proposed a Constitutional Assembly on Status as the mechanism to achieve their decolonization. The Assembly must be organized, financed and conducted by Puerto Ricans without the intervention of the United States, following the guidelines of applicable international law.

43. Inviting the Special Committee to send a delegation to Puerto Rico to see for itself the critical colonial situation of the island, he demanded that the case of Puerto Rico be considered as an item on the agenda of the General Assembly.

44. **Ms. Reverón Collazo** (Comité Puerto Rico en las Naciones Unidas) said that many achievements had been made possible by the support of the international community. The Special Committee had shared the struggle of the people of Puerto Rico for the release of the political prisoners. Of the three remaining, Óscar López Rivera, Carlos Alberto Torres and Avelino González Claudio, the first two were serving sentences of more than 29 years. The Special Committee had also joined the people in the struggle to remove the United States Navy from Vieques. Demands for decontamination and the return of the land to the people of Puerto Rico remained on the agenda.

45. However, the international community had to give more proactive support to reject imposition of the death sentence in Puerto Rico, through the application of a United States law, despite the fact that capital punishment had been abolished by Puerto Rico in 1929, and banned by its Constitution in 1952.

46. The United States violated Puerto Rico's right to sovereignty and independence and showed no sign of respecting or taking seriously either the repeated demands of the Special Committee in its resolutions or those made in statements by governmental and non-governmental organizations. The United States ignored those statements to ensure they would have no effect.

47. One result was that the United Nations continued to brush under the carpet Puerto Rico's status as a colony. It was not included in the materials it disseminated, which stated that only 2 million people lived under colonialism, excluding the 8 million Puerto Ricans. Those materials must be revised and the United Nations must break through the wall of silence that the United States had built around the case.

48. Puerto Ricans had fought imperialist deafness. In 1950, Óscar Collazo and Griselio Torresola had attempted to assassinate President Truman, to appeal to the conscience of the world. In 1954, Lolita Lebrón, Rafael Cancel Miranda, Andrés Figueroa Cordero and Irvin Flores had carried out an attack on the House of Representatives and denounced the fraud committed when the United States had voted in favour of General Assembly resolution 748 (VIII).

49. It was untrue that Puerto Rico had exercised its right to self-determination when it had become a commonwealth, as recognized by the reports of the United States Interagency Working Group on Puerto Rico, which stated that Puerto Rico was subject to the authority of Congress. Therefore, in the light of resolution 1514 (XV) and successive resolutions on Puerto Rico, it was imperative that the General Assembly should examine the case.

50. The colonial impotence suffered by Puerto Rico could be seen every day. The fact that the island was

under the jurisdiction of the United States for customs purposes made it easy for traffickers to use Puerto Rico to send drugs to the mainland; to guarantee their filthy trade they corrupted legislators who both supported statehood and persecuted pro-independence activists. However, despite all efforts to break their spirit, the students' recent defence of the right to education was a victory for all the people of Puerto Rico.

51. After adopting the resolution, the Special Committee must not allow the United States to continue to adopt laws on Puerto Rico that ignored international law. The Special Committee should request permission from the United States to hold a seminar in Puerto Rico so that it could directly ascertain the desires of its people.

52. **Mr. Villanueva Muñoz** (Comité Pro Derechos Humanos de Puerto Rico) said that his organization was fighting for the release of political prisoners Carlos Alberto Torres, Óscar López Rivera and Avelino González Claudio.

53. The plebiscite proposed in the bill recently adopted in the United States House of Representatives would offer the option of continuing with the status quo, but colonialism would not be justified by consent. The idea that in 1952 Puerto Rico had exercised self-determination had been a monumental hoax. After that, the Puerto Rico Constitution of 1952 had been a straightjacket specifying that any amendments were subject to United States legislation, proving that it was a colony.

54. Several Nobel Peace Prize laureates supported the release of the political prisoners. President Obama must listen to them and permit true self-determination for Puerto Rico. He must not demand freedom for political prisoners elsewhere while holding Puerto Ricans in jail.

55. The United States must clean the Navy contamination of Vieques, not impose the death penalty, respect the right to bail in criminal cases and cease phone-tapping. Puerto Rico must be opened up to the world.

56. **Ms. Jan Susler** (National Lawyers' Guild International Committee) said that the bill that had been before the United States Congress had been seen as promoting statehood, failing to comply with the Special Committee's resolutions which called for self-determination for the people of Puerto Rico. The President's Task Force on Puerto Rico, created in 2000, was to issue its report in October 2010, but even supporters of statehood saw the Task Force as lacking interest or ignorant.

57. The colonial Administration threatened the future of the nation. Its fiscal measures had included 20,000 lay-offs of Government employees; it had packed the Supreme Court with statehood supporters; attempted to do away with the Puerto Rico Bar Association; threatened to privatize assets; slashed cultural budgets; and moved against Dominican immigrants and the descendants of displaced workers. Despite those cuts and the banking crisis, it had spent huge sums lobbying Congress to influence annexationist legislation.

58. The International Committee had visited Puerto Rico to investigate the persecution of human rights activists and help defend them. Resistance to human rights violations had grown and the strike by students in the first half of 2010 had received widespread support from society.

59. Carlos Alberto Torres had spent 30 years in prison for his struggle for independence and would be released in July 2010. Óscar López Rivera had been in prison for 29 years and recently had not been allowed to leave to visit his gravely ill sister. Avelino González Claudio had been sentenced to a term of seven years, despite severe illness.

60. **Mr. Manuel Laguarda** (Socialist Party of Uruguay, Vice-President of Socialist International) said that he was complying with the resolution on Puerto Rico adopted by the Socialist International's Committee for Latin America and the Caribbean, supporting independence and requesting that a delegation attend the meeting of the Special Committee to state its position.

61. It was an insult for Latin America and the Caribbean that, in the last year of the second International Decade for the Eradication of Colonialism and 200 years after the struggle for independence had begun in Latin America, colonial cases such as Puerto Rico and the Malvinas Islands still existed. Expressions of support for Puerto Rico had historically been wide-ranging, in international political groupings, Governments and among leading figures.

62. Resolution 1514 (XV) was applicable to Puerto Rico and the General Assembly must examine the case,

pursuant to the 28 resolutions adopted in the Special Committee. The United States must allow the people of Puerto Rico to exercise the right to self-determination, in accordance with international law, and the United States Government must clean up the island of Vieques and remedy the ecological and economic effects of the military facilities there.

63. All the countries of Latin America and the Caribbean must coordinate efforts to ensure that the General Assembly would take up the case of Puerto Rico.

64. **Ms. Centeno Rodríquez** (American Association of Jurists) said that recently declassified information showed that there had been chemical weapons experiments in Puerto Rico over a period of 12 years, with the participation of the Dow Chemical Company. Although nuclear energy experiments in the heavily visited El Yunque national forest had ended and monitoring was apparently no longer necessary, the people of Puerto Rico had not participated in the environmental assessment and had not been informed of the nuclear radiation or its dangers. There had been complaints that depleted uranium ammunition had been used in Vieques. Nuclear weapons had been stored in Puerto Rico, in violation of the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean. There had been reports of military devices operating at dangerous power levels and at frequencies of above 40 GHz. Puerto Rico was the missile shield of the Americas and the Arecibo facility had a massive transmission capacity that reached out into space. Military activities were conducted with complete disregard for the safety, health, well-being, human rights and political, economic and social development of the people of Puerto Rico. The United States intended to evade its international obligations related to military activities by means of the Puerto Rico Democracy Act.

65. In view of the actions of the United States, the case of Puerto Rico must be addressed by the General Assembly.

66. **Mr. Giustiniani** (Conferencia Permanente de Partidos Políticos de América Latina) supported the resolution on Puerto Rico that was before the Special Committee. His country, Argentina, which was celebrating 200 years of independence, had been demanding its sovereign right to the Malvinas Islands for 180 years.

67. The Senate of Argentina supported Puerto Rican independence unanimously because it shared the achievement of freedom, self-determination and independence of all peoples, wherever they were in the world.

68. The human rights of equality, liberty and justice must apply to all. Toussaint L'Ouverture had understood that when he had led the first victorious struggle for independence and against slavery in Haiti. In the early nineteenth century, patriots had rebelled across Latin America to set up the first independent Governments and merchant vessels had spread the word of the slaves' rebellion from island to island in the Caribbean.

69. The General Assembly must consider the case of Puerto Rico because it was still a colony, 50 years after the adoption of resolution 1514 (XV). Colonialism was against international law and the argument that a people could consent to it was unacceptable because freedom was a fundamental human right.

70. **Mr. Martin Torrijos** (Chair of the Socialist International Committee for Latin America and the Caribbean) said that the full inclusion of Puerto Rico in the family of Latin American and Caribbean republics had figured in ideological and political discourse for more than a century.

71. That aspiration was part of a moral and cultural debt that Latin America had not been able to honour. The right to independence had been seen as opposition to the United States but now that the Cold War was over, and colonialism could not be justified, things had changed.

72. The Special Committee had reiterated that the Puerto Rican people constituted a Latin American and Caribbean nation that had its own unequivocal national identity. Therefore, the United States must allow the people of Puerto Rico to exercise fully its right to self-determination and independence.

73. The United States Government had acknowledged the colonial status of Puerto Rico. The Socialist International and regional organizations had seen that decolonization could be achieved in a matter satisfactory to all parties concerned and all of Latin America and the Caribbean would support Puerto Rico

in its decision on how it wished to proceed, in accordance with international law.

74. The decolonization of Puerto Rico, and ensuring Argentine sovereignty over the Malvinas Islands, were questions of principle for Latin Americans. Dialogue aimed at a dignified resolution of the problem of Puerto Rico must be promoted. The Special Committee must insist on the question of Puerto Rico being addressed by the General Assembly.

75. **Mr. Richard López** (Frente Patriótico Arecibeño) said that the United States military was engaged in high-technology projects in Puerto Rico, at enormous cost, that endangered human health. High-power, low-frequency transmissions were being used to release radiation into the ionosphere, trapped in the Van Allen belts since nuclear experiments had first been conducted in 1958. The intention was to reduce the risk of radiation harming satellites, while allowing particles charged with nuclear radiation to fall to Earth in an act of environmental terrorism.

76. "Silver lining" geo-engineering had been discussed by the United Nations in Nairobi in 2010, along with its implications for the 1976 Geneva Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques. However, while Puerto Rico's colonial status prevented it from attending such meetings, that status had allowed the United States to conduct its work. Puerto Rico's other military installations were so powerful they could be compared to Poland's missile shield.

77. Those activities violated the right to life and environmental rights. The United States could not be trusted to tell the truth about its military projects because it would have to face its responsibilities towards countries affected by nuclear explosions, especially when it was working to remove radiation from the atmosphere and let it fall to Earth.

78. Puerto Rico had been condemned to stagnation, unemployment, the destruction of agriculture, education, manufacturing, culture and trade, and a reduction in its population through emigration and catastrophic diseases. The case of Puerto Rico must be dealt with in the General Assembly.

79. **Ms. Paula Santiago** (Partido Nacionalista de Puerto Rico) said that the work of the Special Committee and its resolutions on Puerto Rico were essential to end colonialism. Every person was responsible for everybody else's peace and well-being and nobody was free until everybody was free.

80. To guarantee the people of Puerto Rico the right to self-determination and the protection of human rights, the Government of the United States had been urged to stop persecuting pro-independence activists and environmentalists, to free those it had jailed and to prosecute those responsible for political assassinations. However, it was a matter of concern that the case had not been taken up by the General Assembly, not to mention that the Special Committee could be dissolved before the case of Puerto Rico and those of other colonies such as Martinique had been resolved.

81. The United States continued to exploit Puerto Rico, driving the inhabitants into poverty and dependence on welfare while spreading the businesses that took advantage of them. Puerto Ricans had lost their national pride and believed that they survived only thanks to federal aid. The Administration had engaged in a privatization programme that had cut 20,000 public-sector jobs. Fortunately, the patriotic two-month student strike to defend the education system had been victorious.

82. The United States had persuaded most States to abstain in the vote on General Assembly resolution 748 (VIII), which had freed it of its reporting obligations related to the colonial situation of Puerto Rico. The free States of the world must put the case of Puerto Rico to the General Assembly and demand that the United States resume its reports. It must commit itself to genuine decolonization, supported by the international community and in accordance with resolution 1514 (XV).

The meeting rose at 1 p.m.